

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**DALLAS DIVISION**

**GENE M. BLAND,**

**Plaintiff,**

**V.**

**NORMAN Y. MINETA, Secretary  
Department of Transportation,  
Federal Aviation Administration,**

**Defendant.**























**CIVIL ACTION NO. 3:06-CV-1181-M**

**“ECF”**

## PROPOSED JOINT SCHEDULING ORDER

Plaintiff GENE M. BLAND and Defendant NORMAN Y. MINETA, by and through their respective attorneys, and files this Proposed Joint Scheduling Order, reporting to the Court as follows:

I.

Counsel for conferred on December 22, 2006, pursuant to this Court's Order of December 6, 2006.

## II.

The parties submit the following Joint Proposal regarding scheduling and discovery:

1. This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42

U.S.C. § 2000e. Plaintiff seeks declaratory and injunctive relief to prevent the Federal Aviation Administration (“FAA”) from discriminating against employees and Plaintiff based on age, and prevent retaliation.

**A. Plaintiff's Claims**

Defendant discriminated and retaliated against Plaintiff because of his age, because he opposed discriminatory conduct, and because he refused to commit illegal acts. Defendant denied Plaintiff promotions, conducted unwarranted investigations, reduced or eliminated his responsibilities, placed him on leave, and continuously created a hostile work environment causing him to retire prematurely. Each of Defendant's actions were unlawful and caused damages to Plaintiff.

**B. Defendant's Claims**

\_\_\_\_\_ Defendant had legitimate, non-discriminatory reasons for the actions taken with regard to Plaintiff, and such reasons were not pretext for unlawful discrimination based on age or any other protected category. Plaintiff failed to exhaust his administrative remedies, e.g., his June 2001 and December 30, 2005 claims. Thus, Plaintiff is barred from bringing these actions where he did not timely report or notify the FAA of the alleged incidents.

2. A proposed time limit to file motions for leave to join other parties;

*The Plaintiff proposes April 30, 2007.*

*The Defendant proposes February 26, 2007.*

3. Proposed time limit to amend the pleadings;

*The Plaintiff proposes April 30, 2007.*

*The Defendant proposes February 26, 2007.*

4. Propose time limits to file various types of motions, including dispositive motions;

*The Plaintiff proposes November 26, 2007.*

*The Defendant proposes one hundred and twenty (120) days before trial.*

5. A proposed time limit for initial designation of experts;

*Plaintiff shall designate its expert witness(es) in this case on or before July 16, 2007.*

*Defendant shall designate its expert witness(es) in this case on or before July 16, 2007.*

6. A proposed time limit for responsive designation of experts;

*The Plaintiff proposes September 24, 2007.*

*The Defendant proposes September 24, 2007.*

7. A proposed time limit for objections to experts;

*The Plaintiff proposes November 26, 2007.*

*The Defendant proposes that the parties shall file objections to experts in this case on or about November 26, 2007.*

8. A proposed plan and schedule for discovery;

*The Plaintiff proposes that all discovery in this case should reasonably be able to be completed by January 3, 2008.*

*The Defendant proposes that all discovery in this case should reasonably be able to be completed by January 3, 2008.*

9. A proposal for limitations, if any, to be placed upon discovery;

*The parties propose that discovery should proceed in accordance with the Federal Rules of Civil Procedure and the local rules for the Northern District of Texas.*

*The parties are unaware of any need for the placement of limitations on the discovery in this case.*

10. A proposed trial date, estimated number of days required for trial and whether a jury has been demanded;

*The Plaintiff has demanded a jury trial. The parties propose that the case be set for a jury trial on the April 2008 docket. The parties estimate the time of trial to be five (5) trial days.*

11. A proposed date for further settlement negotiations;

*The Plaintiff will begin settlement negotiations immediately and proposes that the case be scheduled for mediation at a time after an opportunity for significant discovery and before the time for filing a motion for summary judgment.*

*The Defendant will begin settlement negotiations with Plaintiff after the time limit to amend the pleadings.*

12. A proposed date for disclosures under Rule 26(a)(1);

*The parties propose that Rule 26(a)(1) disclosures shall be made on or about February 12, 2007.*

13. Whether the parties will consent to trial before U.S. Magistrate Judge Jeff Kaplan;

*The parties do not consent to a trial before U.S. Magistrate Judge Jeff Kaplan.*

14. Whether the parties are considering mediation or arbitration to resolve this litigation;

*The Plaintiff opposes arbitration and proposes mediation after the opportunity for significant discovery.*

*At the present time, the Defendant will not agree to mediation or arbitration.*

15. Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial;

*The parties propose none.*

16. Whether a conference with the Court is desired;

*The parties do not desire a conference with the Court.*

17. Any other matters relevant to the status and disposition of this case.

*The parties propose none at this time.*

Respectfully submitted,

SHEILS WINNUBST  
SANFORD & BETHUNE

By: Brian P. Sanford

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